

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDWINA HARTUNG,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No.: 05-881 SLR
	:	
FIRST STATE DINING CORP. d/b/a	:	JURY TRIAL DEMANDED
GATOR'S SPORTS BAR,	:	
	:	
Defendant.	:	

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

COMES NOW, Seitz Van Ogtrop & Green, P.A. and respectfully moves the Court for leave to withdraw as counsel to Defendant First State Dining Corp. ("First State") and in support hereof states as follows:

1. This case alleging violations of Title VII of the Equal Rights Act of 1964 by a former employee of First State was filed on December 21, 2005.
2. Movant was retained by First State and filed an Answer to the Complaint on January 11, 2006.
3. Counsel has had difficulty obtaining documents from First State in order to respond to discovery propounded by Plaintiff throughout the litigation and First State has never fully responded to Plaintiff's discovery.
4. Trial is now scheduled for June 25, 2007.
5. Counsel has demanded an advance on fees and costs from First State as a condition to continued representation through trial. First State has indicated that it cannot and will not provide any further attorneys' fees. In a somewhat analogous situation, this Court has

permitted counsel to withdraw. See Fastxchange, Inc. v. Inventure, Inc., 2004 WL 234659 (D. Del. 2004)(copy attached).

6. Movant submits that it would be unfair to require it to continue as counsel without any prospect of being paid and with limited cooperation from First State.

7. Counsel for Plaintiff has been consulted and does not oppose this Motion.

WHEREFORE, Seitz Van Ogtrop & Green , P.A., through its undersigned officer and director, respectfully prays that it be given leave to withdraw as counsel for Defendant First State Dining Corp.

Respectfully submitted,

SEITZ, VAN OGTROP & GREEN, P.A


s/ James S. Green, Sr.

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